IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 844/2003

SUNIL SINGH Vs. THE STATE OF RAJASTHAN & ORS.

DATE: 24.01.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Rohitash Choudhary for
Mr. Praveen Balwada for the petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition has been preferred by the petitioner invoking the jurisdiction under Section 397 r/w Section 401 Cr.P.C. against the judgment dated 25.06.2003 passed by the Additional Chief Judicial Magistrate No.1, Behror, District Alwar in Criminal Case No. 72/2002, whereby the accused-respondents are given the benefit of probation under Section 4 of the Probation of Offender Act for the offence under Sections 325, 325/34 and 447 IPC and are acquitted from the offence under Sections 323 and 324 IPC.

In brief the facts of the case are that on 05.05.2002 Sunil Singh submitted a written report at Police Station Mandhan stating therein that today at 7.00 a.m. he was at his home and his mother, Aunty and

grandmother were working at Baada. In the meantime, Sher Singh, Mahesh Singh, Raju Singh, Shiv Charan Singh and others came to their Baada armed with weapons. The accused persons gave beating to his mother and other family members. Sher Singh inflicted injury to his grandmother by Farsi and when he tried to escape his mother and grandmother, accused persons attacked on him. On the aforesaid report, FIR No. 64/2002 was registered for the offences under Sections 143, 447 and 323 IPC. After investigation, chargesheet was filed against the accused-respondents for the offence under Sections 447, 323, 324 and 325/34 IPC. The trial Court framed the charges against the accused-respondents for the offence under Sections 447, 323, 324 and 325/34 IPC, which were denied by the accused and they claimed trial. After hearing the respective parties, the trial Court vide its judgment dated 25.06.2003 acquitted the accused respondents from the offence under Sections 323 and 324 IPC and given the benefit of probation under Section 4 of the Probation of Offender Act for the offences under Sections 325, 325/34 and 447 IPC.

The trial Court has considered all aspects including the fact that the complainant and the accused are neighbours and after going through the evidence adduced by the prosecution and the defence, the trial

Court has found the charges proved under Sections 325, 325/34 and 447 IPC against the accused-respondents and it is observed that there is nothing against the accused prior to this incident and looking to the facts and circumstances of the case, the trial Court while exercising its discretion, has given the benefit of probation to the accused-respondents under Section 4 of the Probation of Offenders Act and acquitted the accused-respondents from the offence under Sections 323 and 324 IPC.

Having considered the rival submissions of the respective parties and after going through the impugned judgment dated 25.06.2003, I find no illegality in extending the benefit of probation to the accused-respondents and it is not such a case where any interference is required by this Court while exercising revisionary powers.

Consequently, the revision petition fails and the same is hereby dismissed.

(K.S. RATHORE),J.

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